

**KILPATRICK TOWNSEND &  
STOCKTON LLP**

Theodore H. Davis Jr. (TD1103)

Bryan Wolin (BW8339)

Shireen Nasir (SN1951)

1114 Avenue of the Americas

New York, New York 10036

Telephone: (212) 775-8700

Facsimile: (212) 775-8800

*Attorneys for Defendants*

*Rubik's Brand Ltd. and Yellow Brand Protection, Inc.*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

MODELLBAHN OTT HOBBIES, INC., D/B/A SUPREME  
HOBBIES,

Plaintiff,

v.

VELCRO USA, INC.; AMERICAN TOMBOW, INC.; RUBIKS BRAND, LTD.; MATTEL, INC.; KOALA TOOLS, LLC; YELLOW BRAND PROTECTION; AND INCOPRO LIMITED,

Defendants.

Civil Action No.:  
1:20-cv-03526-LLS

**DEFENDANTS YELLOW BRAND PROTECTION, INC. AND RUBIK'S BRAND LTD.'S  
NOTICE OF MOTION TO DISMISS, OR IN THE ALTERNATIVE TO TRANSFER**

PLEASE TAKE NOTICE that upon the accompanying September 21, 2020, Memorandum of Law; the September 18, 2020, Declaration of Sheila Nsue Nfon; the September 21, 2020, Declaration of Matt LeClerc; and all prior pleadings and proceedings in this litigation, Defendant Yellow Brand Protection, Inc., and Defendant Rubik's Brand Ltd. will move this Court, before the Honorable Louis L. Stanton, at the United States Courthouse, located at 500 Pearl Street, New York, New York 10007, for an Order pursuant to Rules 12(b)(2), 12(b)(3), and 12(b)(6) of the Federal Rules of Civil Procedure dismissing the amended complaint of Plaintiff Modellbahn Ott

Hobbies, Inc., d/b/a Supreme Hobbies (“Plaintiff”) for lack of personal jurisdiction, improper venue, and failure to state a claim with respect to Counts II and III of Plaintiff’s Amended Complaint, or in the alternative, severing Supreme Hobbies’ claims against them under Rule 21 and transferring those claims to the Northern District of Texas pursuant to 28 U.S.C. § 1404(a) or 1406(a). If the Court does not grant Yellow Brand and Rubik’s request to transfer in the alternative, Yellow Brand and Rubik’s respectfully request a protective order limiting discovery pursuant to Rule 26(c) to the issue of Plaintiff’s ties to the State of New York.

PLEASE TAKE FURTHER NOTICE that any opposing affidavits and answering memoranda to this motion shall be served within fourteen (14) days after service of the moving papers, and a reply, if any, shall be served within seven (7) days after service of the answering papers pursuant to Local Rule 6.1(b).

Dated: September 21, 2020

Respectfully submitted,

KILPATRICK TOWNSEND & STOCKTON LLP

By: /s/ Theodore H. Davis Jr.

Theodore H. Davis Jr. (TD1103)  
TDavis@kilpatricktownsend.com  
Bryan Wolin (BW8339)  
bwolin@kilpatricktownsend.com  
Shireen Nasir (SN1951)  
snasir@kilpatricktownsend.com  
1114 Avenue of the Americas  
New York, NY 10036  
Telephone: (212) 775-8700  
Facsimile: (212) 775-8800

*Attorneys for Defendants Rubik’s Brand Ltd. and  
Yellow Brand Protection, Inc.*

**CERTIFICATE OF SERVICE**

I CERTIFY that on September 21, 2020, a true and correct copy of the foregoing document was filed electronically with the Court's CM/ECF system and was thereby served on all counsel of record upon the transmission of the Notice of Electronic Filing.

Dated: September 21, 2020

/s/ *Theodore H. Davis Jr.*  
Theodore H. Davis Jr.